

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Senate Bill 315 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 33-4-3-10 IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) The filing of a claim on the
- 5 small claims docket is deemed a waiver of trial by jury.
- 6 (b) The defendant may, not later than ten (10) days following
- 7 service of the complaint in a small claims case, demand a trial by jury
- 8 by filing an affidavit that:
- 9 (1) states that there are questions of fact requiring a trial by jury;
- 10 (2) specifies those questions of fact; and
- 11 (3) states that the demand is in good faith.
- 12 (c) Notice of the defendant's right to a jury trial, and the ten (10)
- 13 day period in which to file for a jury trial, shall be clearly stated on the
- 14 notice of claim or on an additional sheet to be served with the notice of
- 15 claim on the defendant.
- 16 (d) Upon the deposit of ~~seventy~~ **sixty-five** dollars ~~(\$70)~~ **(\$65)** in
- 17 the small claims docket by the defendant, the court shall transfer the
- 18 claim to the plenary docket. Upon transfer, the claim then loses its
- 19 status as a small claim.
- 20 SECTION 2. IC 33-5-2-7 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The filing of a
- 22 claim on the small claims docket is deemed a waiver of trial by jury.
- 23 (b) The defendant may, not later than ten (10) days following
- 24 service of the complaint in a small claims case, demand a trial by jury
- 25 by filing an affidavit that:
- 26 (1) states that there are questions of fact requiring a trial by jury;
- 27 (2) specifies those questions of fact; and

1 (3) states that the demand is in good faith.
2 (c) Notice of the defendant's right to a jury trial, and the ten (10)
3 day period in which to file for a jury trial, shall be clearly stated on the
4 notice of claim or on an additional sheet to be served with the notice of
5 claim on the defendant.
6 (d) Upon the deposit of ~~seventy sixty-five~~ dollars ~~(\$70)~~ **(\$65)** in
7 the small claims docket by the defendant, the court shall transfer the
8 claim to the plenary docket. Upon transfer, the claim then loses its
9 status as a small claim.
10 SECTION 3. [EFFECTIVE JULY 1, 2002] **IC 33-4-3-10 and**
11 **IC 33-5-2-7, both as amended by this act, apply only to a deposit to**
12 **transfer a case on a small claims docket to the plenary docket that**
13 **is made after June 30, 2002"**
14 Renumber all SECTIONS consecutively.
 (Reference is to ESB 315 as printed February 15, 2002.)

Representative RICHARDSON